

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEL MAR TIC I, LLC and DEL MAR TIC II,
LLC,

Plaintiffs,

v.

THE BANCORP BANK,

Defendant.

Case No. 1:23-CV-08999-JLR

PLAINTIFFS' RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS

Plaintiff Del Mar TIC I, LLC and Del Mar TIC II, LLC (collectively, "Plaintiffs") respectfully submits this response to Defendant The Bancorp Bank (Defendant)'s Motion to Dismiss.


Contemporaneously herewith, Plaintiffs. have filed a First Amended Complaint. Under Federal Rule of Civil Procedure 15(a)(1)(B), the Plaintiffs amended their Complaint as of right within 21 days of the Defendant filing its Motion to Dismiss. Pursuant to the Court's Individual Rule 3.B, "[i]f the plaintiff amends its pleading as of right, the Court will dismiss the original motion to dismiss as moot." As such, Plaintiffs respectfully request that Defendant's pending Motion to Dismiss be dismissed as moot.

Dated: November 29, 2023

The motion to dismiss is denied as moot. The Clerk of Court is respectfully directed to close the motion pending at ECF No. 20.

Dated: November 30, 2023
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge

By: /s/ Jason S. McManis
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